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opinion

June 10, 1975

Mr. Arthur H. Fowler
Comptroller of the State of New Hampshire
Department of Administration and Control
State House Annex
Concord, New Hampshire 03301

Dear Mr. Fowler:

I wish to respond to your letter to me dated June 2, 1975 requesting our opinion on the question whether funds appropriated for "Parks Promotion" to the Department of Resources and Economic Development for the Fiscal Year 1975 (1973 Laws 376:35, VII) may be used for the immediate purpose of promoting the International Tennis Tournament set to be held this summer in the Mount Washington Valley. I have asked for any material which the Commissioner of that Department might have bearing on the subject, and I have made a similar request of the Legislative Budget Assistant. Each of them has responded that no material is available expressly bearing on the information presented to the Legislature or on the intent of the Legislature in making the line item appropriation in question. Based, then, on the language of that budget act and on the material which Commissioner Gilman has supplied both to you and to me to justify his request that these funds be so used, it is our opinion that the funds requested may lawfully be used in the manner Commissioner Gilman has requested, subject of course to the approval of the Governor and Council.

The line item in question is identified in the laconic way characteristic of budget acts. The question, then, reduces down to this: Do the words "Parks Promotion" require activities expressly, directly and immediately concerned with State Parks or do they require only that activities have some reasonable relation to the general object of promoting use of Parks. There simply is no reason that we have been able to find to require the former, highly restricted

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interpretation. Commissioner Gilman has given his opinion, as the State official responsibly concerned with the use of the funds, that their use to promote the International Tennis Tournament will measurably increase the use of State Parks by people who come for the Tournament. Since the statute appears to require no more than that, we conclude as we do that the expenditure he has requested will be lawful.

Yours sincerely,

Warren B. Rudman
Attorney General

David H. Souther
Deputy Attorney General

cc: Mr. George Gilman, Commissioner
Department of Resources and Economic Development